

State of Colorado



Bill Owens
Governor

Stacy L. Worthington
Board Director

DPA

Department of Personnel
& Administration

State Personnel Board

The Chancery
1120 Lincoln St., Suite 1420
Denver, Colorado 80203
Phone (303) 894-2136
Fax (303) 894-2147

AGENDA PUBLIC BOARD MEETING April 15, 2003

A public meeting of the State Personnel Board will be held on Tuesday, April 15, 2003, at the State Personnel Board, The Chancery, 1120 Lincoln Street, Suite 1420, Denver, Colorado 80203. The public meeting will commence at 9:00 a.m.

Reasonable accommodation will be provided **upon request** for persons with disabilities. If you are a person with a disability who requires an accommodation to participate in this meeting, please notify Board staff at 303-894-2136 by April 10, 2003.

* * * * *

I. REQUESTS FOR RESIDENCY WAIVERS

A. April 1, 2003 Report on Residency Waivers

Reports are informational only; no action is required.

II. PENDING MATTERS

There are no pending matters before the Board this month.

III. REVIEW OF INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR ON APPEAL TO THE STATE PERSONNEL BOARD

There are no Initial Decisions or other final orders of the Administrative Law Judges or the Director on appeal to the Board this month.

IV. REVIEW OF PRELIMINARY RECOMMENDATIONS OF ADMINISTRATIVE LAW JUDGES OR THE DIRECTOR TO GRANT OR DENY PETITIONS FOR HEARING

A. Isidoro Sanchez, Jr. v. Department of Corrections, Sterling Correctional Facility, State Personnel Board case number 2003G067.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review the appointing authority's response and final decision to grievance. On

April 1, 2003, a Preliminary Recommendation of the Administrative Law Judge was issued, recommending that a hearing be denied.

- B. Kenneth R. Meyer v. Department of Corrections, State Personnel Board case number 2003G058.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review an adverse final agency grievance decision. On April 2, 2003, a Preliminary Recommendation of the Director was issued, recommending that a hearing be denied.

- C. Terrance Wichser v. Department of Corrections, Sterling Correctional Facility, State Personnel Board case number 2003G078.

Complainant petitions the State Personnel Board to grant a discretionary, evidentiary hearing to review an adverse final agency grievance decision. On April 2, 2003, a Preliminary Recommendation of the Director was issued, recommending that a hearing be denied.

V. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

- A. Andre Smith v. Regents of the University of Colorado at Denver, Auraria Higher Education Center, State Personnel Board case number 2003B042(C).

On March 10, 2003, the Initial Decision of the Administrative Law Judge was issued. The ALJ found that Respondent's decision to abolish Complainant's position through layoff was not arbitrary, capricious or contrary to rule or law. The ALJ ordered that Respondent's action is affirmed and Complainant's appeal is dismissed with prejudice. On March 26, 2003, after issuance of the Initial Decision, Respondent filed a motion for clarification seeking a ruling on its request for attorney fees. That ruling appears at the end of the Amended Initial Decision issued by the ALJ on April 2, 2003.

- B. Steve C. Watts v. Department of Transportation, State Personnel Board case number 2002B148.

On April 1, 2003, the Initial Decision of the Administrative Law Judge was issued. The ALJ found Respondent's disciplinary termination of Complainant's employment was not arbitrary, capricious or contrary to rule or law. The ALJ ordered that Respondent's action is affirmed and Complainant's appeal is dismissed with prejudice.

VI. REVIEW OF THE MINUTES FROM THE MARCH 18, 2003 PUBLIC MEETING OF THE STATE PERSONNEL BOARD

VII. ACKNOWLEDGMENTS

DECISIONS OF THE STATE PERSONNEL BOARD MADE AT ITS MARCH 18, 2003 PUBLIC MEETING:

- A. Harlen Ainscough v. Department of Public Health and Environment, Hazardous Materials & Waste Management Division, State Personnel Board case number 2003G032.

The Board voted to deny Complainant's Motion for Reconsideration.

- B. Carolyn Dunn v. Department of Transportation, State Personnel Board case number 2003G036.

The Board voted to affirm the Order Denying Motion to Strike and Dismissing Complainant's Petition for Hearing.

- C. Steen McCrea v. Department of Transportation, State Personnel Board case number 2003G054.

The Board voted to reject the Preliminary Recommendation of the Director, to deny the petition for hearing for lack of jurisdiction, and to refer the matter to the State Personnel Director for a determination.

VIII. REPORT OF THE STATE PERSONNEL DIRECTOR

Karen Fassler and Laurie Benallo, Department of Personnel and Administration, Human Resource Services, will address the Board regarding retention areas.

IX. ADMINISTRATIVE MATTERS & COMMENTS

A. ADMINISTRATIVE MATTERS

- Budget Report and Revenue and Expense Report
- Cases Scheduled for Preliminary Review
- Cases on Appeal to the Board and to Appellate Courts
- Order Affirmed in Hansing v. Department of Corrections, State Personnel Board Case No. 2000G098, Court of Appeals No. 02CA0740
- Mandate in Guara v. Department of Human Services, State Personnel Board Case No. 2002B052, Court of Appeals No. 02CA2005
- Mandate in Asobie v. Department of Higher Education, University of Health Sciences Center, State Personnel Board Case No. 2001G084, Court of Appeals No. 02CA2428

B. GENERAL COMMENTS FROM ATTORNEYS, EMPLOYEE ORGANIZATIONS, PERSONNEL ADMINISTRATORS, AND THE PUBLIC

X. EXECUTIVE SESSION

- A. Case Status Report
- B. Minutes of the March 2003 Executive Session

* * *

NEXT REGULARLY SCHEDULED BOARD MEETINGS

9:00 a.m.

<u>Date</u>	<u>Location</u>
May 20, 2003	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
June 17, 2003	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
July 15, 2003	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222
August 19, 2003	Colorado Department of Transportation 4201 East Arkansas Ave., Second Floor Auditorium Denver, CO 80222